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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR Single Bench

M.C.C. No. 409 /2006 (S.B.)

APPLICANT : Chandu Lal Verma 3
S/o Jhumuk Lal Verma
aged about 35 years
R/o Mopka, P.S. Bhatapara
District Raipur (C.G.)

P.R. No. 29/12/06
Presented by Shri Dina nath Yadav
dated 29/12/06

VERSUS

RESPONDENT : Tan Singh @ Sanjay Banzare
S/o Bhahbal Singh
aged about 20 years
R/o Village Gurunank Ward,
P.S. Bhatapara, Distt. Raipur (C.G.)

20/12

APPLICATION FOR RESTORATION OF M.A. (P. R.)NO. 393/06

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C...409... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध) 18

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.08.2006

Shri Abhay Tiwari, learned counsel for applicant.

Heard on M.C.P.No. 1383/06, an application for condonation of delay in filing the application for restoration.

Learned counsel for the applicant submits that M.A.No. 837/06 (earlier M.A.(P.R.) No. 392/06) was listed on default on 08.05.2006 and this Court passed a peremptory order that the appellant to remove the default within a week, failing which the appeal shall stand dismissed without reference to the Bench. However, when the default could not be cured within one week, in compliance of the order dated 08.05.2006 the appeal was dismissed. He submits that the delay occasioned as the counsel for the appellant was not aware of the peremptory order passed by this Court. He further submits that 50% of the amount of award has already been deposited by the appellant on 19.05.2006 and therefore, the application for condonation of delay in filing the M.C.C. as well as the application for restoration of the appeal be allowed.

I have heard learned counsel for the appellant.

Considering the fact that the default as pointed out by the office has already been cured though belatedly, in the interest of justice the application for condonation of delay in preferring this M.C.C. is allowed.

Also heard on the application for restoration of M.A.No. 837/06 (earlier M.A.(P.R.) No. 392/06).

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. 409 **सन् 2006**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	For the reasons stated in the application for restoration of M.A.No. 837/06 (earlier M.A.(P.R.) No. 392/06), it is allowed and the appeal is directed to be restored to its original number, subject to condition that the appellant deposits a sum of Rs.500/- to the credit of the Secretary, Chhattisgarh High Court Legal Services Committee, Bilaspur. Certified copy as per rules. **Sd/-** **Dhirendra Mishra** **Judge**	